

**BEFORE THE
U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, D.C.**

Air Canada

Violations of 14 C.F.R. Part 259 and 49 U.S.C. § 41712

Enforcement Proceeding

DOT-OST-2021-0073

JOINT STATUS REPORT

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November 17, 2021

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Pursuant to the ALJ’s September 17, 2021 Order Extending Deadline for Filing Reply, the parties file this Joint Status Report.

1. On June 15, 2021, the United States Department of Transportation (“Department” or “DOT”) filed an Enforcement Complaint against Air Canada alleging violations of 49 U.S.C. § 41712 and 14 C.F.R. § 259.5 relating to airline ticket refunds (the “Enforcement Complaint”). On June 30, 2021, Air Canada filed a Verified Answer, a Motion to Dismiss the Enforcement Complaint, and a Memorandum in Support thereof. On July 19, 2021, OACP filed an Answer in Opposition to the Motion to Dismiss the Enforcement Complaint.

2. On July 20, 2021, at the Parties’ request, the Administrative Law Judge (“ALJ”) entered a stay to enable the Parties to pursue settlement discussions. The ALJ ordered the Parties to file a status report on August 10, 2021 and if the Parties had not reached a settlement, for Air Canada to file a Reply on August 24, 2021.

3. On August 10, 2021, the ALJ entered an Order granting Air Canada’s Consent Motion for a Continuance and Further Stay. The ALJ ordered a status report to be filed on August

20, 2021 and Air Canada's Reply brief be filed no later than September 3, 2021.

4. On August 24, 2021, the ALJ entered an Order granting Air Canada's Consent Motion for a Continuance and Further Stay. The ALJ ordered a status report to be filed on September 3, 2021 and Air Canada's Reply brief be filed no later than September 17, 2021.

5. On September 7, 2021, the ALJ entered an Order Extending Deadline for Filing Reply. The ALJ ordered a status report to be filed on September 17, 2021 and Air Canada's Reply brief be filed no later than October 1, 2021.

6. On September 17, 2021, the ALJ entered an Order Extending Deadline for Filing Reply. The ALJ ordered a status report to be filed on October 1, 2021 and Air Canada's Reply brief be filed no later than October 15, 2021.

7. On October 4, 2021, the ALJ entered an Order Extending Deadline for Filing Reply. The ALJ ordered a status report to be filed on October 15, 2021 and Air Canada's Reply brief be filed no later than October 29, 2021.

8. On October 18, 2021, the ALJ entered an Order Extending Deadline for Filing Reply. The ALJ ordered a status report to be filed on November 5, 2021 and Air Canada's Reply brief be filed no later than November 19, 2021.

9. On November 5, 2021, the ALJ entered an Order Extending Deadline for Filing Reply. The ALJ ordered a status report to be filed on November 17, 2021 and Air Canada's Reply brief be filed no later than December 1, 2021.

10. The parties have continued to engage in productive settlement discussions since July 20, 2021.

11. The parties have moved progressively closer on a variety of matters and as of the time of this Joint Status Report, the parties are still in productive settlement discussions and

believe they are making progress towards the resolution of this matter. Specifically, the parties have reached agreement in principle on how best to resolve this case and are negotiating on the language in the proposal to be submitted to the ALJ for approval.

12. The parties estimate that they will need until Monday, November 22, 2021, to conclude settlement negotiations and submit a proposal to the ALJ for approval.

13. The Parties therefore request that the stay of this matter be continued until, and a further joint status report or motion for approval of settlement agreement be filed on, November 22, 2021.

14. Should it become necessary for Air Canada to file a reply in support of its motion to dismiss, such reply will be due on or before December 8, 2021.

Respectfully submitted,



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November 17, 2021

Counsel for Air Canada

CERTIFICATE OF SERVICE

I hereby certify that I have on this date electronically served a copy of the foregoing Joint Status Report on the following persons:

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November 17, 2021

A handwritten signature in black ink, appearing to be 'Drew M. Derco', written over a horizontal line.

Drew M. Derco